



## Appeal Decisions

Hearing held on 9- 11 March and 21 April 2021

Site Visit made on 12 March 2021

**by L Nurser BA(Hons) Dip UP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 June 2021**

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### **Appeal A: APP/R1038/W/20/3245986**

#### **Renishaw Hall, Renishaw Park, Renishaw, Sheffield S21 3WB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs A Hayward against the decision of North East Derbyshire District Council.
  - The application Ref: 18/01116/FL, dated 5 November 2018, was refused by notice dated 6 September 2019.
  - The development proposed is "Conversion of Traditional Buildings to B1(a) Office Use, A3 Café; Conversion of Farm Building to B1(c) Joiners Workshop; Demolition of Existing Agricultural Buildings and the Provision of Car Parking".
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### **Appeal B: APP/R1038/Y/20/3246039**

#### **Renishaw Hall, Renishaw Park, Sheffield S21 3WB**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mrs A Hayward against the decision of North East Derbyshire District Council.
  - The application Ref: 18/01117/LB, dated 5 November 2018, was refused by notice dated 6 September 2019.
  - The works proposed are "Conversion of Traditional Buildings to B1(a) Office Use, A3 Café; Conversion of Farm Building to B1(c) Joiners Workshop; Demolition of Existing Agricultural Buildings and the Provision of Car Parking".
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## **Decision**

### *Appeal A*

1. The appeal is dismissed.

### *Appeal B*

2. The appeal is dismissed.

## **Applications for Costs**

3. Separate applications for costs were made on behalf of Mrs A Hayward, and W Gratton and Son against the Council. These are the subject of separate decisions. The applications for costs do not specify to which appeal they relate. I have therefore considered the applications in relation to both appeals and to avoid repetition, have set out my reasoning within a single decision letter for each application.

## **Preliminary Matters**

4. The descriptions of both appeals were altered during the determination of the applications, as a number of changes were made to the schemes. Both parties agreed the revised description within the Statement of Common Ground, which I have used in the banner heading as the most up to date description.
5. Irrespective of the fact that heritage matters were not a reason for refusal in either of the appeals, as the appeal site is in a conservation area, involve alterations to a Grade II\* listed building and development within the setting of a number of listed buildings, I have had special regard to sections 16(2), 66(1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). In addition, the appeals lie within a Grade II\* registered park and garden (RPG), which is also a designated heritage asset.
6. Parties were made aware that I would be treating heritage matters as a main issue following the publication of my pre-hearing note. The main parties were provided with the opportunity to provide late evidence. Indeed, the appellant provided further information on heritage matters. As such, no party has been prejudiced in my determination of the appeals in relation to heritage issues.
7. During my preparation for the hearing, it became apparent that the Gardens Trust (GT) had not been consulted on the appeals before me. Therefore, given that Article 18 and Schedule 4 of the Town and Country Planning Order 2015 makes clear that this is a statutory requirement, the hearing was adjourned to enable the GT to respond to the proposals which they did in a letter dated 6 April 2021. The hearing was then resumed for a further day on the 21 April 2021.
8. The appellant stated that they would have no objection in principle if I were to have concluded that the various elements within the decisions were severable. However, having carefully considered the interrelationship between all the elements of the proposals as presented to me, which were included within the two appeals I have concluded that in the context of the evidence before me that this would not be appropriate.
9. Following the submission of both applications to the Council, the Town and Country Planning (Use Classes) Amendment (England) Regulations 2020 have come into force. This means that the proposed conversion of the workshop, identified as building B, to office use would not be considered as development, by virtue of it falling within the same Use Class (Class E), had the planning application been submitted on or after September 1 2020. However, it was submitted in November 2018, and therefore I have determined the appeal on the basis of those uses which were applicable as at 31 August 2020. Nonetheless, I raised this change in circumstances at the hearing session, where all parties were able to comment on its significance. Following this, I conclude that significant weight should be given to the amendments to the Use Classes in my determination of the appeal in relating to the proposed changes of use.
10. During the hearing I was provided with a number of documents which are set out at the end of the decision letter. All participants were provided with access to these documents and no one would be prejudiced by my taking them into account in my decision making.

11. My understanding is that the Inspector's report into the examination of the eLP is expected soon, following the consultation which has taken place in relation to the proposed Main Modifications to the eLP, copies of which I was sent during the hearing. Therefore, in common with both main parties, and consistent with paragraph 48 of the Framework, I have attributed significant weight to the relevant policies of the eLP, as proposed to be modified.
12. During the adjournment of the hearing the appellant provided a signed unilateral undertaking (UU) relating to a car parking management plan. However, due to a number of technical issues which were identified at the hearing, a new planning obligation was provided on April 29 2021. I refer to the planning obligation below.
13. It was agreed at the hearing, that any matters relating to the tenancy arrangements between the tenant farmer and landowner are outside the remit of the appeals before me.

### **Main Issues**

14. From what I have read, heard, and seen; I consider the main issues in this case to be:
  - whether the proposed car parking constitutes inappropriate development in the Green Belt;
  - the effect of the proposed car parking on the character and appearance of the area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of Renishaw Hall and the other nearby listed buildings;
  - the effect of the proposed car parking on the Grade II\* registered historic park and garden;
  - the extent to which the proposals would preserve or enhance the character of the Eckington and Renishaw Park Conservation Area;
  - whether the proposed works to buildings I and B would preserve the special historic and architectural interest of the Grade II\* former stables;
  - the effect of the proposed development on the existing farming enterprise;
  - and if the proposal is inappropriate development, whether the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

## Reasons

### *Whether inappropriate development*

15. My understanding of the Council's position, and one with which I concur, is that there is no objection, in principle, in Green Belt terms, to the conversion of the buildings, including the agricultural building to workshop. The main issue of dispute is whether the proposed car parking would be inappropriate development within the Green Belt.
16. From what I heard at the hearing, it appears that the proposed additional car parking would be intended to serve, not only visitors to the Hall, gardens and café, including those attending specific events, but the existing and proposed businesses. Consequently, the appellant's wish to provide the additional car parking is not solely linked to the proposed changes of use and I have determined the planning appeal on this basis.
17. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
18. The Government attaches great importance to the Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence.
19. Paragraph 146 of the Framework sets out a list of certain forms of development which are considered as not inappropriate in the Green Belt. It has been put to me that the proposed car parking would fall within the exceptions referred as not inappropriate development as it would be both an engineering operation, and a material change in the use of land.
20. Even if I were to agree that the proposed car parking as a whole, would fall within the exceptions set out within the criteria listed in paragraph 146 of the Framework, I am further directed to consider, in determining whether the proposed car park should be considered as not inappropriate, whether the proposed development would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
21. I have been provided with only one plan which relates to the proposed car parking for 50 vehicles. This plan shows the line of proposed fencing and gates, together with a layout of the spaces, including parking for those with disabilities. However, there are no elevations, nor are there any plans or drawings which would illustrate the proposed lighting or fencing details, nor how the significant changes in levels between the existing and proposed parking area would be addressed. Nonetheless, it was agreed at the hearing that the intention was that metal estate fencing, similar to that recently put up at the main entrance to the parkland<sup>1</sup>, would be erected together with some form of lighting, details of which have yet to be submitted. Whether or not it would be appropriate to control such matters by condition, as proposed by the Council, the provision of lighting within the car park, and the erection of gates and fencing, albeit accompanied by landscaping would be development.

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<sup>1</sup> ibid

22. In my judgment, and on the basis of the sparse information before me, this development, in isolation, would have a limited visual and spatial impact on the openness of the Green Belt.
23. It is intended that the proposed car park would be surfaced in loose stones, in a similar manner to the existing smaller car park which sits immediately to the north of the Stable Block. The formal layout of the car park, with associated lighting and fencing would appear as permanent development. The surface of the car parking would have a limited spatial impact on the openness of the Green Belt. However, it was clear from the discussion at the hearing, and indeed from the subsequent S106 agreement in relation to a parking management plan, that the intention is that the appeal site should be the focus for the parking of cars within the grounds of the Hall.
24. Consequently, on weekdays it is likely that the car park would be well utilised. During the latter part of the week and the weekends when the Hall and Gardens, and café are open to visitors, car parking would be directed to, and concentrated in this area and would potentially extend into the evening. As such, whilst I note that the impact of the individual cars on the Green Belt would be transitory, and depend on the length of the visit, the concentration of up to 50 cars parked within a self-contained area would have a moderate adverse impact on the spatial aspect of the openness of the Green Belt.
25. The visual impact of the car parking on openness would be mostly limited to the immediate area, given that the proposed car parking would be bound to the south by walls, and buildings, to the north by trees and to the west by the remaining farm buildings. From the east, the proposed parking would be partially visible through the existing car park. Nonetheless, there would still be a moderate visual impact on the openness of the Green Belt. As such, I have concluded that cumulatively, the parking of cars, together with the car park itself, fencing, and lighting would have a moderate visual and spatial impact on the openness of the Green Belt. This impact would result in moderate harm to the Green Belt.
26. It has been put to me that in considering the visual and spatial impact of the car parking on the openness of the Green Belt, I should take into account the existing agricultural buildings and how they impact on the openness of the Green Belt.
27. Undoubtedly, some of these buildings are substantial, and this should be considered in relation to the consideration of the proposed car parking on the character and appearance of the wider area, which is addressed below. Nonetheless, paragraph 145 (a) of the Framework is clear that buildings for agriculture are not to be regarded as inappropriate within the Green Belt. Therefore, they cannot be regarded as harmful to the openness of the Green Belt. Consequently, in Green Belt terms the size of the existing agricultural buildings is of limited relevance when determining whether the car parking is inappropriate development.
28. This position contrasts to that relating to the exceptions within paragraph 146 of the Framework. Where these categories of development do not preserve the openness of the Green Belt, as is relevant to the case before me, they are, by definition, inappropriate development.

29. As such, no purpose is served by comparing the size of the existing agricultural buildings on the ground and the proposed car park and associated physical infrastructure with reference to Green Belt harm.

*Purpose of the Green Belt*

30. The proposed car park would have a hard surface, of loose chippings, similar to that of the adjacent car park immediately to the north of the Stable Block. As such, it would appear as an extension to the existing car parking.
31. Some of the land proposed to be used as a car park is already hardstanding associated with the working farm. Nonetheless, the car park laid out in spaces with lighting, and estate fencing, albeit screened by planting, together with the mass of cars would be seen as a harsh, urbanising element in the context of the remaining farm buildings and the wider Renishaw Hall estate, which sits within the open countryside.
32. The proposal would replace agricultural buildings, which form part of Hall Farm, and which the Framework makes clear should not be considered as inappropriate within the Green Belt. Consequently, the loss of agricultural buildings and their replacement by car parking would be a clear encroachment into the countryside. As such, the proposed development would run contrary to the third purpose of the Green Belt, set out within paragraph 134 of the Framework, to assist in safeguarding the countryside from encroachment.
33. I accept that the existing tourist attractions at Renishaw Hall and the existing and proposed commercial activities within converted buildings within the estate are not, and would not, be inappropriate within the Green Belt. Nonetheless, I have found that the impact of the proposed car park, for which planning permission has been sought would be to result in harm to the openness of the Green Belt, both in relation to visual and spatial harm, and would run contrary to the purpose of including land within the Green Belt and would result in significant harm.
34. Consequently, for the reasons set out above, the proposed car parking is inappropriate development, and is, by definition, harmful to the Green Belt.
35. Therefore, of the policies to which I have been referred I conclude this would be contrary to Policy GS2 of the North East Derbyshire Local Plan, (LP) adopted November 2005, which broadly remains consistent with the provisions of the Framework, and Policy SS10 of the eLP, to which as stated above, all parties attribute significant weight.

*Heritage Assets:*

36. The Framework is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
37. The site of Renishaw Hall was acquired in the mid-16th century. In 1625 Renishaw Hall was built by George Sitwell. Between 1776 and 1795, in common with many grand projects undertaken by wealthy landowners, the main road was diverted, so that it no longer ran in front of Renishaw Hall. This

enclosure altered the relationship of the Hall with its immediate, and wider setting within the landscape.

38. During the same period, between 1793 and 1808, Renishaw Hall was extended, and significantly altered, by the architect Joseph Badger of Sheffield.
39. Around this time, as part of the wider improvements to the estate, he also designed the Grade II\* Stable Court in 1795 and the picturesque Grade II Dairy Cottage in 1806. The other listed buildings, relevant to the appeal before me, were built contemporaneously in the late 18th and early 19th centuries. They were not designed by Joseph Badger and are consequently not as architecturally significant. Nonetheless, the design and location of the Gardener's House, together with the farm outbuilding which are listed Grade II for group value, would have been carefully considered in the context of what a landowner wished to signal to others about himself and how the microcosm of his estate functioned.
40. For the purposes of the appeals before me, I consider that the proposed development of the car park would take place within the setting of the Grade II\* Stable Court, the Gardener's House, currently used as the farmhouse for Hall Farm, and the open bayed stone farm building, both of which are Grade II listed for their group value, as well as the Grade I Renishaw Hall. It would also take place within the Grade II\* Renishaw Hall Gardens which is a Registered Park and Garden of Historic interest (RPG). All of these lie within the Eckington and Renishaw Park Conservation Area

*The effect of the proposed development on the setting of nearby listed buildings:*

*Setting of Stable Court, farm outbuilding and Gardener's House*

41. At Renishaw Hall, like many large country houses, there is considerable visual and cultural overlap between the various listed buildings which sit within its grounds, and the grounds themselves. All of these have some functional and hierarchical relationship. At the core of the Park and Garden, is the visually ascendant Renishaw Hall.
42. The glossary of the Framework defines setting as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
43. Stable Court is a Grade II\* listed building which was listed in January 1967. It is of more than special national historic and architectural interest. It is constructed of ashlar and coursed rubble coal measures sandstone, with moulded eaves, cornice, and slate coverings. It is laid out on a double courtyard plan. The external eastern, northern, and southern elevations with corner pavilions, are of a classical derivation in their design. The easternmost elevation, which is the initial public face of the Stable building, is the most ornate, providing access through a semi-circular headed entrance archway, with a pediment above which houses the Sitwell coat of arms.
44. In contrast, the westernmost elevation is of a different character. At either end are the corner pavilions which provide some visual unity. However, there is a threshing barn in the middle of the elevation, and a modern metal grill fence gate links this barn to the simple and unadorned western elevation of the

northern corner pavilion which includes two segmental arches housing simple wooden doors with a lunette window above and which faces onto the existing farm yard, where the proposed car park is intended to be located. Further to the west lie Gardener's House and the farm outbuilding. All of these sit within the boundary of the gardens and parkland.

45. The appellant's Heritage Impact Assessment describes Stable Court as *'evidence of Sitwell Sitwell's requirements for a building to meet both his functional requirements, primarily racecourse stabling and provision of farm buildings, stagecoach storage etc, with his aesthetic tastes for Classical architecture following his Grand Tour and the fashions of the period'*<sup>2</sup>.
46. Consequently, the building not only has architectural significance as a result of the quality of the architectural design and craftsmanship, and its visual and functional relationship with Renishaw Hall, but it also has historic significance as a fine example of the conspicuous display of wealth associated with a Regency gentleman's pursuit of racing.
47. Stable Court is the physical manifestation of a desire to provide the best accommodation possible for prized, expensive racehorses, combined with the need to house carriages, other horses and paraphernalia associated with the stables of a grand house, with the need to provide the more prosaic *'needful buildings'*<sup>3</sup>. As such, all of the elements of the building, including the agricultural elements are of historic significance.
48. I have no reason to demur from the conclusion that the evidential value of Stable Court remains very high and on a national scale of importance<sup>4</sup> as part of its external envelope. Similarly, I agree that it has high historical value and a high aesthetic value<sup>5</sup>. Moreover, the three-bay threshing barn, with opposing central doors shown on the 1795 Eckington Enclosure plan also has a high evidential value<sup>6</sup> and forms part of Stable Court. As a consequence, the setting of these elements of Stable Court makes an important contribution to the understanding of its historic and architectural significance.
49. The listing description describes the farm outbuilding<sup>7</sup>, as an early 19th century open fronted hovel, or cart house. It was listed Grade II for its group value in 1989, together with the late 18th century Gardener's House, which is referred to as the Home Farmhouse within the listing description. Both lie on the same plane and are built from coursed squared coal measures sandstone, with quoins.
50. However, the front elevation to the Gardener's House is accessed from the south and appears to have been designed in the context of the kitchen gardens. This would be consistent with it being constructed as the Head Gardener's home. Nonetheless, it is now used as the farmhouse and the rear panelled door leads directly into the farmyard.

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<sup>2</sup> Paragraph 3.2.1 c) Heritage Impact Assessment September 2018

<sup>3</sup> Paragraph 3.2.1 g) *ibid*.

<sup>4</sup> Paragraph 3.2.1 f) *ibid*.

<sup>5</sup> 3.2.3 *ibid*

<sup>6</sup> 3.2.1 page 19 HIA

<sup>7</sup> I note that there has been some ambiguity in the appellant's position, as to whether, historically, there was agricultural activity on the site. See 4<sup>th</sup> paragraph of letter dated from appellant to LPA dated 29 January 2018. Nonetheless, I am content to accept the appellant's evidence set out within the Addendum Note<sup>7</sup> that, *'The orientation of the Gardener's House and the Farm Outbuilding to the east of Gardener's House, suggest the proposed car park was in agricultural use since the early 19<sup>th</sup> century.'*

51. The five arched open farm building, currently in agricultural use, which takes its visual cues from the classical inspiration of Stable Court, faces to the north. As such, it reads as being functionally linked to the threshing barn which is used daily by the tenant farmer, and the north west corner of Stable Court, whose openings face onto the existing farmyard and which have a strong agricultural character.
52. The Gardener's House has a hipped roof, whilst the farm out building which is used for the storage of agricultural equipment has a hipped roof at its eastern end, reflecting the design of the hipped roofs of the corner pavilions at Stable Court.
53. The appellant's HIA refers to the farm outbuilding being of moderate aesthetic significance and of moderate evidential and historical value due to its connections with Sitwell Sitwell, and the wider estate. I concur with this analysis given the close visual relationship with the classical campagna of Stable Court.
54. However, I also consider, from what I have read, heard and seen on site, that the Gardener's House which is currently used as the farmhouse, whilst it is clearly further away from Stable Court, has group value, together with the farm outbuilding, for its historical, evidential and aesthetic significance.
55. Hall Farm practices a mixed farming model of arable, dairy and beef. As a consequence, the character of the immediate area at the western end of Stable Court, and in front of the farm outbuilding and Gardener's House, is of a busy farm with background noise from the cattle and tractors and trailers moving back and forth.
56. As set out above, the existing agricultural setting of Stable Court, and the farm outbuilding and the Gardeners House is an important contributor to the understanding of their historic significance. All of the buildings have a communal visual, functional, and aesthetic relationship. The existing farm buildings which are proposed to be demolished, whilst they are of no architectural merit in themselves, are typical of utilitarian structures, often found in close proximity to older historic farm buildings, and which demonstrate the historic evolution of their setting. They are part of an enclave of working farm buildings, which house a dairy herd that grazes the parkland. As such, they are part of a coherent visual and functional element of the wider estate and do not have an adverse impact on its character or appearance and are consistent with its rural setting.
57. In contrast, the proposed development would result in the demolition of two ranges of buildings which are used for agricultural purposes. The proposed car parking for 50 vehicles would sit at the heart of the farm, very close to Stable Court, and in the immediate setting of the farm outbuilding and Gardeners House. It would substitute buildings which are visually and functionally compatible with the wider historic environment with a sterile, urbanising use as a surface car park.
58. The listed Gardener's House, and farm outbuilding, together with the remaining farm buildings, would be separated from the car park by metal estate fencing and screened by an element of landscaping. I am not convinced, albeit I have not been provided with detailed drawings, that the landscaping would be sufficient to overcome the fundamental change in character and appearance of

the setting of the listed buildings, as a result of the major extension of the existing car park. This would result in the area being dominated by parked vehicles, and the movement of traffic, serving visitors to the tourist attractions and those working in the commercial units on site. This would result in development that would appear incongruous and alien within the immediate context. The car park would have no functional, visual or aesthetic resonance to the adjacent listed buildings.

59. As such, I conclude that there would be harm to the setting of Stable Court and the farm outbuilding and the Gardener's House. However, it is my judgment that whilst the harm to the setting of both listed buildings would be significant, it should be considered as less than substantial harm, in the context of paragraph 196 of the Framework given the scope of the proposal. This harm nevertheless carries considerable importance and weight in my decision making.

### *Setting of Renishaw Hall*

60. As set out above, Renishaw Hall was first built in 1625. Late 18th and early 19th century ranges were constructed to the east and west, principally under the supervision of Joseph Badger of Sheffield. The appearance and location of Stable Court, which was also designed by the Sheffield architect for his patron Sitwell Sitwell, was carefully considered in the context of Renishaw Hall.
61. On entering the grounds of Renishaw Hall, the land rises and then plateaus out to where Stable Court sits within a swathe of grass and woodland. The land rises gently along the elegant length of the northern elevation against which the existing car park and access road runs, and then, in a more pronounced manner, at the site of the proposed car park.
62. I have limited information before me relating to the appearance of the proposed car park. There are no elevations illustrating how any changes in levels are to be treated, or details relating to the lighting, or to how the landscaping would respond to the proposed car parking. Nonetheless, it would appear that the proposed surface car park and joiner's workshop would be, for the most part, visually screened by mature woodland to the north, by the remaining modern farm buildings to the west, and by the Gardener's House, farm outbuilding, and the stone walls to the south.
63. However, the area of additional car parking would be substantially larger than the existing narrow car park that backs onto the northern elevation of the sophisticated and high status Grade II\* Stable Block. Consequently, due to the significant changes in levels, reflecting the topography of the wider Parkland, the proposed car parking area would appear significantly more noticeable when viewed from the approach to Renishaw Hall.
64. I accept that there would not be an adverse impact on the immediate setting of Renishaw Hall. However, as previously identified, the setting of the listed buildings within the Park and Gardens are interdependent. Therefore, there would be both a limited visual impact on the setting of Renishaw Hall itself, as well as a more substantive impact on the setting of Stable Court, and the other relevant listed buildings. This would be the result of the removal of the agricultural buildings which do not necessarily, individually actively enhance the setting of the listed buildings, but are consistent with their historic evolution and function, and their replacement by a car park, with cars coming and going

throughout the day. This in turn would impact on the historic and evidential understanding of the setting of the functionally and visually ascendant Grade I listed building. As such, this would result in less than substantial harm to the setting of Renishaw Hall.

### *Conclusion*

65. Paragraphs 195 and 196 of the Framework, make clear that any harm to any designated heritage asset should be considered as less than or substantial harm. In summary, I have found less than substantial harm to the setting of the Grade II\* Stable Court, and the farm outbuilding and Gardener's House, listed Grade II for group value. The harm is less pronounced to the setting of the Grade I Renishaw Hall but is still of considerable importance and weight. Under such circumstances, paragraph 196 of the Framework advises that the harm to the setting of these assets should be weighed against the public benefits of the proposal which I explore below.

### *Registered historic park and garden*

66. Renishaw Hall is a Grade II \* Registered Park and Garden (RPG). A substantial element of the northern element of the Parkland is laid out as a golf course. As such, the remaining Parkland is especially sensitive to, and vulnerable to change.
67. Prior to the determination of the applications, a site visit took place involving the appellant's heritage expert; a planning officer, together with the Council's heritage adviser; and a representative of Historic England (HE). Following this, the parties agreed that the proposed location was the most appropriate area for cars to park. An A4 annotated satellite photograph sets out why this was the case. However, this analysis is limited and is not supported by any detail.
68. Following a desktop analysis of the application and supporting documents, the GT concluded that the proposed location for the car parking would have the least impact on the RPG and the setting of Renishaw Hall. This conclusion was predicated on the acknowledged existing harm from the current parking arrangements to the RPG and to the setting of Renishaw Hall.
69. Nonetheless, as the decision maker I must determine whether there would be any harm to the significance of the RPG as a result of the proposed car parking, and then if I find that there is, weigh this against any public benefits of the scheme.
70. The Framework is clear that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
71. From the limited evidence before me, I am aware that the tradition of grazing cattle, from the Hall Farm herd within the Parkland makes a significant contribution to both the management of the Parkland but also contributes to its pastoral character which I observed to be an important element of the RPG. However, I do note, if the dairy herd were no longer to graze the Parkland that the tenant farmer would be obliged, as part of his lease, to manage the land appropriately.

72. At my instigation, an addendum was provided prior to the hearing relating to heritage matters. This stated the existing farm buildings which are proposed to be demolished make a neutral contribution to the significance of the RPG. Agricultural use is identified as one of the characteristics of the RPG, and that it makes a minor contribution to its significance. It also stated that the proposed development would make a localised change to this characteristic and would thereby result in less than substantial harm to the significance of the RPG.
73. I would have expected more detailed evidence, consistent with the Grade II\* RPG's national importance, to have accompanied the appeal, such as a detailed analysis of the historic development of the RPG and its cultural and aesthetic significance. This should have included more information, and analysis relating to the significance of the land on which the footprint of Hall Farm sits, including the land where the buildings are to be demolished, within the wider Park and Garden. I also consider that the agricultural or pastoral element of the RPG, which is clearly related to Hall Farm, including the grazing of the land, makes an important contribution to its significance.

### *Conclusion*

74. Therefore, for the reasons set out above, I conclude, on the basis of the evidence before me, that the proposed car parking would result in less than substantial harm to the Grade II\* RPG.
75. Again, I will explore below whether the public benefits outweigh the less than substantial harm.

### *Conservation Area*

76. The Eckington Park and Conservation Area (CA) covers an area encompassing the whole of the Park and Gardens of Renishaw Hall, together with the eastern side of Eckington which includes the historic core of the village. From what I have read and seen the significance of the CA is derived from Renishaw Hall and Gardens, and the town of Eckington which developed from a village based on the three field system to become an industrial town whose fortunes like that of the Sitwells was based on the production of iron and coal. As a consequence, there is a contrast between the medieval agrarian buildings, and those associated with the industrial history of the town. These in turn contrast with the self-contained Park and Garden, which includes Renishaw Hall and other associated listed buildings linked to a country house, whose owners at one time, were the greatest iron nail makers in the world and possessed the corresponding wealth.
77. Given the above, I find that the significance of the CA as far as it relates to the appeals, to be primarily associated with Renishaw Hall and Gardens.
78. As set out above, the loss of the existing agricultural buildings and their replacement with car parking to serve tourists visiting Renishaw Hall and Gardens, as well as the commercial businesses on site, would result in harm to both the character and appearance of the parkland and Stable Court, the farm outbuilding, the Gardeners House and Renishaw Hall.

### *Conclusion*

79. As such, I conclude the proposals would result in less than substantial, albeit limited, harm to the character and appearance of the CA as a whole.

80. The public benefits of the proposed car parking are set out below.

*Conversion of Buildings B (joiner's workshop) and I (museum)*

81. During the 1990's much of Stable Court was converted into individual commercial units, as well as to a museum and café area to serve visitors to Renishaw Hall and Gardens.
82. The two proposals which impact on Stable Court are the conversion of the museum to form an extension to the existing café and a self-contained office unit, and the conversion of a joiner's workshop to form further office accommodation.
83. Both Buildings B and I are part of the Grade II\* Stable Court. Neither of the proposed conversions would have any external impact on the fabric of the building. Therefore, my consideration of the proposals solely relates to the effect on the significance of the internal fabric and space.

*Building B*

84. The joiners' workshop is housed in the northern flank of the first courtyard. It is referred within the listing of the Grade II\* Stable Court, as the main stable. It is understood that this room originally provided stabling for Sitwell Sitwell's most valuable racehorses, including Clinker. Its high status, very high evidential and very high historic value is demonstrated through the architectural detailing, including the pedimented central doorway, which denotes the northern elevation as the most important range for the stabling of horses.
85. Joseph Badger's design ensured that the racehorses were housed in a building in which no expense had been spared, and which appeared as such. The room still includes evidence of the plastered walls and ceiling, cornicing, limited evidence of stalls, and some remnants of the original feeding troughs and ridged stone pavements. The fenestration remains to the southern elevation. However, the size of the original space has been truncated, albeit its current proportions remain broadly consistent with its former use as stabling, which would have extended the whole length of the northern elevation to the first courtyard.
86. The proposed development would convert the existing space into an open plan office with a small kitchen and single toilet area at the eastern end adjacent to the existing breeze block wall. The proposed services would link into the adjacent unit. This further narrowing would have a subsequent impact on the architectural integrity of the space.
87. The appellant's heritage expert considers that the internal fabric is highly significant, and this is a position with which I concur.
88. At the time of my site visit, I was aware that the internal fabric was in a state of disrepair. There were also instances where the current use as a joiners' workshop had resulted in harm to the fabric. For instance, I noted that wood had been nailed onto the wooden surrounds of the feeding niches so that tools could be hung off them, saws were hung off nails from the original stalls, and that a wooden storage cage punctured through the original lathe and plaster ceiling, as well as numerous holes for ducting. In addition, in the south western corner, a patch of ceiling had been cut out to allow, what appeared to be

relatively new piping, to come down into the room. Further holes have been made in the wall, to enable the piping to be taken into the adjacent room to the west.

89. There is a relatively recent breeze block internal wall at the western end of the stable through which the services would link. During the hearing I was told that this wall was associated with the earlier conversion of Stable Court.
90. I understand that a detailed building survey has not been undertaken to support the proposals. There is no dispute that the internal fabric is highly significant.
91. The existing and proposed floor plans are drawn at 1:100, with separate detailing at 1:20 which illustrates, in a limited way, the proposed approach to the repair of the feeding niches and plasterwork of the walls in the northern wall. No other drawings of the internal elevations were submitted. It is my judgment, notwithstanding the information provided within the HIA, that there is not the appropriate level of detail before me to provide the clear and convincing justification for the change in the internal character and appearance of the former stable, which is now used as a workshop.
92. In coming to this conclusion, I am aware that HE have raised concerns relating to the use of dry lining on the walls, and the lack of detailing relating to repairs. However, I am aware that they were content to defer to the Council's in-house conservation expert on this.
93. When pressed at the hearing, as to what the in-house specialist advice was, an email was provided. This stated, in response to a query whether a specification of work/ method statement should be provided, that, *'In term of the comments made by [HE] I think this can be dealt with a pre-commencement condition.'*<sup>8</sup> This does not reassure me it would be appropriate for works to a building, which is of such high national significance, to be controlled by conditions.
94. This is particularly the case given that there are so many elements of the proposed works which require further investigation. For example, it is unclear from the evidence before me whether it is intended that all appropriate repairs would take place following the change of use<sup>9</sup>, whether the floor would be taken up<sup>10</sup>, or how the '*minimum intervention principle*' in relation to electrical and mechanical installations would be achieved<sup>11</sup>. This is of fundamental importance, given that there are numerous instances, where the surviving physical fabric of the former stables, which is evidential value of the very high significance, have not been identified, such as the slots within the floor, which delineate the position of the former stalls.
95. As such, on the limited evidence before me, and from what I heard at the hearing and saw on site, rather than conversion of the workshop to commercial use being an opportunity to enhance the significance of Stable Court within Building B, I consider that harm to the internal fabric of the building cannot be ruled out. This in turn would cause less than substantial harm to the evidential historic and architectural significance of the Grade II \* listed building.

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<sup>8</sup> Email from LPA's heritage adviser to planning officer dated 18 July 2019

<sup>9</sup> Paragraph 3.3.1.b) HIA.

<sup>10</sup> Paragraph 3.3.1.g) HIA.

<sup>11</sup> Paragraph 3.3.1. i) HIA.

### *Building I*

96. The existing museum is accessed via a door from the porticoed entrance to the Grade II\* Stable Court. There are two large rooms divided by the two-storey corner pavilion. From what I saw during my site visit, it appeared that the building had been heavily restored during the conversion which took place in the 1990's. However, it still remains part of the Grade II \* Stable Court and, as such, great weight should be given to the asset's conservation.
97. The first room retains its original proportions with a number of features pertaining to its past as a stable. Much of the walls are covered in wood and glass display cabinets which I understand are not fitted to the walls. In principle, the conversion to office use of this room would be possible subject to the appropriate conditions and would not impact on the significance of the listed building.
98. The proposed office space would extend into the corner pavilion. The two spaces at ground and first floor level within the corner pavilion have not been subdivided and retain original features such as a hayrack at the south western corner of the ground floor, which provide evidence of its former use.
99. The proposed conversion to office with a toilet at ground floor would result in the introduction of three additional doors in close proximity to each other, as well as a partition wall. Cumulatively, these would significantly alter the light, airy ambience of the room, and whilst I note that the internal layout has been altered during the determination of the proposals, it would still result in an awkward relationship with the venetian windows which face out towards Renishaw Hall. As such, albeit I have not been provided with any elevations illustrating the proposed works, in my judgment the symmetry and classical proportions of the room would be lost. As an aside, I also note that the hayrack is not shown on the proposed floorplan.
100. Similarly, I have not been provided with any elevations of the treatment of the kitchen area. Nonetheless, I have concerns how the servicing would be treated so as to avoid any harm to the fabric of the building.
101. In principle, the extension to the café would be possible without resulting in harm to the significance of the listed building. However, I note that the door between the café and existing museum is shown opening the wrong way on the existing ground floor plans. Furthermore, the proposed ground floor plan shows that the door is to be removed and that the opening to the corner pavilion is to be blocked, when I understood from discussion at the hearing that this was to be through the permanent closure of the existing door.
102. Whilst it may, in theory, be possible to overcome these errors by condition, given that the building is listed as of Grade II \* significance, this draws into question whether in drawing up these proposals, great weight has been given to the asset's conservation.
103. For the reasons set out above, I conclude that the proposed works to extend the existing café to the museum and to provide a self-contained office unit, would result in less than substantial harm to the significance of the Grade II \* listed building.

### *Conclusion*

104. I have concluded that both elements of the proposed works would result in less than substantial harm to the special historic and architectural interest of the Grade II\* former stables.

I consider the public benefits of the proposed works below.

### *Heritage Balance*

105. Paragraph 193 of the National Planning Policy Framework 2019 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I have found there to be less than substantial harm to the setting of the Grade I listed Renishaw Hall. Similarly, I have found the harm to the setting of Stable Court, and to that of the farm outbuilding and Gardener's House which together are listed Grade II for their group value, to be less than substantial in this instance but nevertheless of considerable importance and weight.

106. Separately, I have also found less than substantial harm to the Grade II\* RPG and the CA, as well as less than substantial harm to the special historic and architectural interest of the Grade II\* Stable Court.

107. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of the optimal viable use of listed buildings.

108. It is undisputed that visitor and overspill parking on the grassland in front of Renishaw Hall has a detrimental impact on the setting of the Grade I listed building. In addition, as I experienced at the time of my site visit, parking on the unprotected grass during inclement weather causes damage. If replicated regularly during the winter months, or even during rainfall in the rest of the year, I have no doubt it would result in physical harm to the fabric of the parkland. As such, were parking to permanently cease in front of the Hall, there would be a significant public benefit to the setting of the Grade I listed building and to the fabric of the Grade II\* listed Registered Park and Garden to which I would attribute substantial weight.

109. I am aware that the proposed site of the car park was agreed as the least harmful option following a site visit with a representative of HE, the Council's heritage advisor, and the planning officer. However, I also note in HE's letter of March 2019, it made clear that the Council would need to be assured that the benefit of not parking in front of Renishaw Hall would be realised.

110. The appellant has provided a car parking management plan underpinned by a S106 planning obligation to direct leisure and other visitors to park to the rear of Stable Court. However, it is no part of the appellant's case that this would preclude parking to the front of the Hall when the demand for parking was greater than the capacity of the existing and proposed car parks.

111. The only evidence provided to inform the options for car parking provided was a single annotated plan. The appellant's heritage expert admitted that the

Grade II\* Registered Park and Garden, was not the subject of any detailed analysis within the Heritage Impact Assessment. Indeed, I was only provided with a copy of the formal listing relating to the Park and Garden during the hearing.

112. Given the sensitivity and significance of the heritage assets involved, I am of the opinion not all alternative options were exhaustively explored, and that the level of detail provided by the appellant was not proportionate to the assets' importance. As such, this further underscores the limited extent of the public benefit which I can attribute to the reduction in car parking at the front of Renishaw Hall, to the setting of the Grade I Renishaw Hall, and the fabric and visual appearance of the Grade II\* RPG. In coming to this conclusion, I am aware that following a paper appraisal of the proposal, the GT raised no objection to the location of the proposed car park.
113. Given the appellant's objective to extend the visitor season significantly; increase visitor numbers which, already at peak times, can result in around 150 cars parked on the site; and to intensify commercial activity on the site, I am not convinced that the provision of the additional 50 car parking spaces would, in reality, result in a significant reduction in the extent or frequency of vehicles being parked in front of the Hall.
114. Moreover, in order to prevent damage to areas of grass within the parkland, there may be simpler, less visually intrusive solutions available than that currently proposed. Consequently, I accord the public benefit of the car parking management plan limited weight
115. The proposed pedestrian route would lead from the car park into the rear courtyard. This would open up previously inaccessible views to allow members of the public to appreciate the rear elevation of the Gardener's House, together with the farm outbuilding, both of which are Grade II listed for group value, and the rear of the threshing barn, and the north western elevation of the Grade II\* Stable Court.
116. It would also provide the opportunity for them to experience the working farm at close quarters. However, there may be ways to open up these heritage assets to the general public, other than through the laying out of a car park which I have considered would result in less than substantial harm to the significance of heritage assets as set out above. Indeed, I was aware from the hearing that the tenant farmer has offered to provide guided tours of the farm, which would provide the opportunity to the public to experience the heritage assets.
117. Consequently, I conclude that limited weight should be attached to the public benefit of being able to view the heritage assets from the car park and the pedestrian route into the western end of Stable Court
118. The proposed changes of use of the museum to form an extension to the existing café and to provide additional office accommodation, together with the conversion of the existing joiners' workshop to more office accommodation, and the ability to extend the season and to increase the number of visitors on site have been estimated to result in 20 additional FTE jobs<sup>12</sup> and additional revenue streams to the estate. In addition, the ability of the café to trade all

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<sup>12</sup> I note the Appeal Statement references 30 FTE. However, at the hearing the appellant's agent referred to 20FTE.

year round would be commercially attractive. Currently, neither the museum nor workshop generate a substantive income.

119. Clearly there would also be a substantial benefit, for the individuals working within the café who would otherwise be laid off during the winter months, in retaining their jobs. There could also be a positive impact on the wider leisure economy as result of extending the tourist season at Renishaw Hall, for instance, for those providing overnight accommodation to serve minibreaks. However, given the Hall remains a private residence and it can only be visited via a private tour, and that visitor numbers to the gardens and café are likely to be less high in the winter months, other than at seasonal events, such as at Christmas or Halloween, I accord this public benefit limited weight.
120. I have been referred to the popularity of office accommodation within the Stable Block complex, particularly with those who are looking for high quality distinctive accommodation. I have no reason to doubt that additional office accommodation would be equally successful within this market. Nonetheless, I understand from what I heard at the hearing that there is no shortage of good quality office accommodation within the district. Therefore, whilst the individual businesses operating from the proposed office space would derive the benefit of operating within an attractive and high status environment, there is no public benefit to the wider economy in this demand being serviced within Stable Court rather than elsewhere within North East Derbyshire.
121. From my site visit to Building B which is currently in use as a joiners' workshop, it was evident that the internal fabric within the former stable is in need of significant repair and maintenance with instances of damage to the historic fabric, derived from its current use, such as tools being hung from wood tacked onto remnants of the original stalls, or ducting being cut into the ceiling.
122. The conversion of the building may well be the impetus to repair and restore the historic fabric of the former stabling of Sitwell Sitwell's prized racehorses. However, no evidence has been put to me that the repair and maintenance of the Grade II\* element of Stable Court is directly dependent on the proposed conversion, or indeed, that the repairs proposed would be consistent with the preservation of its special architectural and historic interest.
123. The use of Building B as a joiners' workshop requires vehicles to access the stable courtyard on a day to day basis. Whilst, I understand that there may be perceived advantages in removing vehicular traffic from the internal courtyard, particularly when tourists are visiting, I have not been provided with any evidence that there have been any significant issues. Moreover, the use of the former stables as a joiners' workshop is consistent with the stables former use, as part of a busy space, with comings and goings linked to the Hall, unlike the use as an office which would be an independent and self-contained business with no functional relationship to the Hall and Park and Gardens. Therefore, I consider that there would be very limited public benefit from the removal of the workshop from its present location.
124. I have been referred to significant costs that have recently been accrued by the estate following the rewiring of Renishaw Hall. I am aware that country estates such as Renishaw Hall have diversified their revenue streams, and continue to do so, to provide for their long-term financial sustainability. Nonetheless, it is no part of the appellant's case that the proposed office uses

and extension to the café, together with the additional car parking would result in enabling development. Moreover, no evidence has been provided to me to demonstrate that the estate, which I understand to include amongst other assets, over 60 residential properties, and over 4500 acres of farmland and woodland<sup>13</sup>, is not financially viable and therefore would be unable to finance the repairs without the proposed works.

125. Consequently, whilst I accept that the proposed works would be commercially beneficial to the estate, and as such, would contribute to the funds that would be available to sustain and conserve the heritage assets, I consider that the extent of the commercial success of the scheme is a private benefit. In coming to this conclusion, I am aware that the optimum viable use of a heritage asset may not necessarily be the most economically viable one<sup>14</sup>. Moreover, in this instance the heritage assets are part of a larger interrelated historic and functional unit, and their use and management cannot be considered in isolation from the wider whole.
126. I have been referred to the public benefits that would accrue from the ecological mitigation which would be provided, including the provision of a variety of nesting boxes. However, whilst I understand that the proposed mitigation proposal is intended to result in biodiversity net gain. This gain, which was described as minor net gain, would be of limited public benefit in the context of the proposed works, and loss of agricultural buildings from the site.
127. Consequently, the public benefits identified above are not sufficient to outweigh the harm from the proposals before me, whether in their totality, or any individual element, to the special interest and significance of the heritage assets. In any event, I have concluded that each individual element is inseverable from the car parking.
128. As it stands, the proposal would largely satisfy private needs, which are not public benefits.
129. Therefore, in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would fail to preserve the special architectural and historic interest of the Grade II\* listed building, the setting of the Grade I Renishaw Hall, the Grade II\* Stable Court, and the Gardener's House and farm outbuilding, Grade II listed for group value, the character or appearance of the Eckington and Renishaw Hall Conservation Area and the significance of the Grade II \* Renishaw Hall Registered Park and Garden.
130. This would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and conflict with the saved heritage policies BE7, BE8, BE9, BE11 and BE13 of the LP that cumulatively seek to ensure that heritage assets should be conserved in a manner appropriate to their significance, and which remain broadly consistent with the policies of the Framework. It would also be in conflict with the heritage policies SDC5, SDC6, and SDC8 of the eLp, including SS1, which seek to preserve or enhance the character or appearance of the Conservation Areas, and preserve the significance of heritage assets and their settings, to which I accord significant weight. As a result, the proposal would not be in accordance with the adopted and emerging development plan.

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<sup>13</sup> Paragraph 3.2 Appeal Statement.

<sup>14</sup> PPG ID: 18a-015-20190723

### *Farming enterprise*

131. There is no dispute that the proposed car park, which would require the demolition of agricultural buildings which are currently fully utilised, including the milking parlour, would have an impact on the operation of Hall Farm. It is however a moot point whether the specialist niche model of farming practiced at Hall Farm is financially sustainable in the long term, and whether it would be possible for the tenant farmer to modify his particular farming practices in response to the proposals before me, or the challenges facing the wider dairy industry as a whole. Nonetheless, from the evidence provided, the small unit, which grows grain and has dairy and beef cattle continues to weather the vagaries of the external challenges. In doing so, it successfully supplies beef to a major retailer and milk at a premium price to a national yoghurt producer. As such, in the current circumstances, the farm unit is able to provide a living for the tenant farmer.
132. Irrespective of what the future holds for the tenant farmer's operation, saved Policy GS6 which relates to new development in the countryside requires that new development causes minimal disturbance to farming. The policy does not seek to suggest that the current or indeed, future financial viability of a farming unit is relevant to the implementation of the policy in determining whether any harm would ensue. Therefore, there is no onus on the tenant farmer to demonstrate the viability of his farming unit and the success of the farm can be taken at face value. As previously stated, detailed financial matters pertaining to the tenancy agreement between the appellant and the tenant farmer are not within the remit of my determination of the appeals before me.
133. It is clear from what I have seen and heard that the impact of the proposed replacement of agricultural buildings would be very likely to result in the loss of a small dairy herd which plays a significant role in the farming regime at Hall Farm.
134. My understanding is that the appellant considers that the farm would remain a working farm, albeit it is accepted that the dairy herd may be lost. If that were the case, and assuming that the beef cattle were to remain where they are currently housed, they would be kept in a building which would be very close to the car park and only separated by a boundary treatment of estate fencing and landscaping. Whilst estate fencing may be an appropriate means of keeping grazing cattle in fields, there may be potential conflict between the welfare of stock and the general public, as well as safety issues, given that visitors may include families with young children.
135. Moreover, from what I observed on site, as a busy mixed farm, there are a number of deliveries which take place during the day, as well as movements of farm machinery. From the limited evidence before me I am not convinced that there would be adequate space for such vehicles to turn on site. I am also aware that the farmer would still require daily access to the threshing barn.
136. This would require him to drive through the gates which separates the working farm from the car parking area. This would result in potential tension between the working of the farm and the proposed pedestrian access route to the rear of Stable Court. It may well be possible to mitigate this risk.

Nonetheless, no formal approach was tabled to suggest how this could be successfully managed.

137. I also note that the conversion of the farm workshop to a joiners' workshop would result in the loss of an important building for the day to day operation of the farm. However, I am aware that the principle of the conversion of agricultural buildings to other uses may be acceptable as set out in saved Policy GS7 of the LP, and SS9, SS10 and SDC1 of the eLP. However, it is not unusual for there to be tensions between policies within a plan. Nonetheless, in the particular circumstances of the case before me, which involves potential conflict between different uses, I must consider the impact of the proposed change of use with reference to saved policy GS6.
138. Therefore, notwithstanding that the size of the acreage would remain unchanged and that the farmer would remain in his home, I conclude that there would be an adverse impact on the farming operation. This would not only relate to the fundamental matter of what model of farming would be able to be practiced and the implications thereof, to the future of the farm as a whole, but issues relating to its day to day operation.
139. As such, I have taken a simple reading of the policy and concluded that the proposed development would conflict with Saved Policy GS6 of the LP which requires that new development in the countryside causes minimal disturbance to farming. I note that the emerging local plan does not have a similar policy, nor is explicit support for such an approach set out within the Framework. Nonetheless, I consider the adopted policy is broadly consistent with the Framework in respect of supporting a prosperous rural economy, with particular reference to the development and diversification of agricultural and other land-based rural businesses. Therefore, this enables me, in line with paragraph 213 of the Framework to give moderate weight to the conflict with the policy.

### **Other Considerations**

140. I have carefully considered the potential positive impact on the setting of the Grade I Renishaw Hall and on the appearance and fabric of the Grade II\* Registered Park and Garden from the removal of the car parking in front of the Hall following the construction of the proposed 50 space car park. However, for the reasons set out above, notwithstanding that a unilateral undertaking has been provided that would commit the appellant to the implementation of a car parking management plan to direct traffic to the proposed car park, I give this alleged benefit limited weight in favour of the proposals.
141. Given there is no guarantee that the benefits of the proposed car park in stopping parking on the fragile grass in front of the Hall would be realised, this substantially reduces the weight I should accord to the support from the GT and the conditional support from HE.
142. The proposed car park would open up access to the heritage assets of the farm outbuilding, Gardener's House, and the north western aspect of Stable Court and the threshing barn. Members of the public would be able to view them from a previously inaccessible location, as well as providing the opportunity to experience the heritage assets in the context of a working farm, and thereby appreciate their setting. However, there may be other, less

extreme ways to enable this. As such, I accord these benefits limited weight in favour of the proposal.

143. As previously set out, the proposed conversions, which are, in principle, acceptable within the Green Belt are closely linked, and are inseverable from the provision of the 50 space car park.
144. The proposals would increase returns for the estate and further diversify its revenue streams. I accept estates such as Renishaw Hall are constantly evolving. However, no case has been put to me that the conversions linked to the proposed car park are required to ensure the ongoing maintenance and management of the heritage assets that are the responsibility of the estate to maintain. Therefore, I accord the increase in income for the wider estate limited weight in favour of the proposal.
145. It has been suggested if the car parking was not provided, there would be a risk to the existing businesses operating out of Stable Court. However, given that I have also been referred to the high levels of occupancy, in my judgment there is little risk to the continued attractiveness of Stable Court to local businesses. Therefore, there would be negligible benefit from the proposed additional car parking to the commercial success of the existing businesses.
146. The additional office accommodation would provide an income to the estate. An increased income is a private benefit and there is nothing to suggest that there is a shortage of office accommodation in other more suitable locations within the district and that the jobs are dependent on operating from Stable Court. Nevertheless, I have accorded limited weight to the benefit of the additional 20FTE jobs which would result from the ability of café to trade all year and from the new office accommodation.
147. Nonetheless, the supply chain and rural agricultural land-based economy may be adversely affected by subsequent changes to the farming model practiced by the tenants at Hall Farm. This further leads me to consider that the positive economic benefits arising from the additional direct employment within the proposed commercial units within Stable Court, which could be realised elsewhere, should be given limited weight.
148. The proposed car parking which would be lit during the dark hours. This facility, combined with the extended season and opening hours for the café and tourism attractions, would facilitate and complement an increase in tourism related activities within the Hall and Gardens during the winter months. However, I am not convinced that the potential to increase the offer of Renishaw Hall and Gardens over the winter months would make a substantial impact on the local tourist and leisure market. Therefore, I accord this associated benefit to the local economy limited weight.
149. No doubt, the proposed joiners' workshop which would be converted from the existing farm workshop, would be a more modern, and more suitable space to work in, than Building B in the Grade II\* Stable Court. However, it is not clear if there are any other suitable buildings or spaces available within the estate which would not adversely impact on the operation of the farm. Therefore, I give limited weight to this benefit.

150. Were the appeals to be allowed ecological mitigation would take place. Whilst I note that it is intended that this would result in net gain. In the context of the impact of the proposed works I accord this benefit limited weight.

*Other matters*

151. I appreciate that both appeals were recommended for approval and that heritage matters were not a reason for refusal. However, I have carefully considered the evidence before me, and concluded, notwithstanding the planning officer's recommendation, that both appeals should be dismissed.
152. In determining the appeals before me, I have been cognisant of the legal judgments to which I have been referred<sup>15</sup>. However, none of these would lead me to a different conclusion to that which I have reached.

**Overall Green Belt Balance**

153. The Green Belt balance requires an assessment of whether the harm by reason of inappropriateness and any other harm would be clearly be outweighed by other considerations to amount to the very special circumstances required to justify the proposals.
154. In principle, the conversion of the museum to form a self-contained office and extension to the café would be acceptable, as would the conversion of the joiner's workshop to an office unit within the Green Belt and the conversion of the agricultural building to form a joiners' workshop.
155. However, as stated previously the proposals are all interlinked with the proposed car park for 50 vehicles. I have determined that the proposed car park would be inappropriate development. Therefore, it would be, by definition, harmful to the Green Belt which the Framework indicates should be given substantial weight.
156. It would also compromise one of the 6 purposes of the Green Belt as described in the Framework to which I have ascribed significant harm. The proposed car park would also result in moderate harm to the visual and spatial aspect of openness and there would be conflict with both the adopted and emerging development plan and the Framework. This cumulative harm carries substantial weight.
157. I have concluded that limited weight should be accorded to the perceived benefits to the setting of the Grade I listed building and to the Grade II \* RPG, of diverting car parking from the front of the Renishaw Hall, including to the unilateral undertaking which controls a car park management plan.
158. I also consider that the representations made by HE and the GT but have come to my own conclusions on the basis of the evidence before me. I accord limited weight to the benefits of the public being able to access the heritage assets from the proposed car park.
159. I accord limited weight to the benefits of the proposals to the financial sustainability of the estate, which may contribute to the maintenance and repair of the heritage assets.

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<sup>15</sup> Tesco Stores Ltd v Dundee City Council [2012] UKSC 13, R.(on the application of Timmins) v Gedling Borough Council [2015] PTSR 837 and R. (Lee Valley Regional Park Authority) v Epping Forest DC [2016] Env LR 30

160. Similarly, I give limited weight to the additional jobs which may result and the wider economic benefits of additional office accommodation at Stable Court and a café with a larger floor area and an extended trading season, together with an increase in tourism related activities. Negligible weight can be afforded to the commercial success of the existing businesses operating from Stable Court.
161. Limited weight can be given to the benefit of moving the joiners' workshop from Stable Court, and to the ecological mitigation proposed.
162. I have also found that the proposals would be contrary to saved policy GS6 of the LP.
163. I find that the other considerations in this case, including the recent amendments to the Use Class Order, do not clearly outweigh the harm that I have identified. In coming to this conclusion, I have carefully considered the appeals to which I have been referred. However, they do not direct me to approach the Green Belt balance any differently<sup>16</sup>. Consequently, the very special circumstance necessary to justify the proposed car park and related proposals do not exist and the appeals would be contrary to saved policy GS2 of LP and Policy SS10 of the eLP.
164. The appeals would also fail to satisfy the requirements of the Act and paragraph 192 of the Framework and saved policies, BE7, BE8, BE9, BE11 and BE13, including SS1 of the LP and policies SDC5, SDC6, and SDC8 of the eLP.

## **Conclusion**

165. For the reasons given above I conclude that both appeals should be dismissed.

*L Nurser BA (Hons) Dip UP MRTPI*

INSPECTOR

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<sup>16</sup> APP/G5180/1/3206569 & APP/B1939/W/17/3192145

**APPEARANCES**

FOR THE APPELLANT:

Scott O'Dell MRTPI, Associate, Fisher German LLP – Planning Consultant

Chris May LLB LARTPI, Partner, Howes Percival LLP – Planning Solicitor

Struan McDougall MRICS FAAV, Partner, Fisher German LLP – Estate Manager

Ian Browne NDA, HND Agric. Dip FM, SCFM (Seale Hayne), The Farm Consultancy Group – Agricultural Consultant

Tom Barton PGDip (Historic Environment Conservation), MRICS, Senior Associate, Fisher German LLP – Building Surveyor and Heritage Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Adrian Kirkham – Planning Manager

Colin Wilson – Planning Officer –

Joanne Edwards – Planning Technician

Ken Huckle – Planning Technician

INTERESTED PARTIES:

Cllr Wheelhouse

Cllr Kenyon

Ellie Allwood Bsc (Hons) LLM FRICS FAAV

Stephen Catney) BA (Hons)

Michelle Matkin

Brian Hesford HND CDFM

Kay Gratton

## DOCUMENTS SUBMITTED DURING THE HEARING

- 1 Link to main modifications to the North East Derbyshire District Council Local Plan
- 2 Listing description of Renishaw Hall Park and Garden
- 3 Eckington and Renishaw Conservation Area Character Statement Part 1 and 2 and map of Conservation Area
- 4 Decision notice and plans relating to 16/0110/FL
- 5 Council's retained heritage specialist's response to listed building consent application 18/0117/LB 18 December 2018 and 22 February 2019
- 6 Email from Council's retained heritage specialist re Building A (which did not form part of the appeal) 17 June 2019
- 7 Email from Council's retained heritage specialist regarding fencing and pre- commencement condition 18 July 2019
- 8 Site visit itinerary dated 10 March 2021
- 9 Consultation response from the Gardens Trust received 6 April 2021
- 10 Revised Unilateral Undertaking 28 April 2021
- 11 List of agreed conditions dated 12 April 2021